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SERVICE DATE - DECEMBER 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-20958

ACADEMY LINES, INC.--MERGER--ASBURY PARK TRANSIT LINES, INC.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: Academy Lines, Inc. (Academy Lines or applicant), a motor carrier of passengers, has filed an application under 49 U.S.C. 14303 for the acquisition by merger of its affiliate, Asbury Park Transit Lines, Inc. (Asbury Park), also a motor carrier of passengers. Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by February 14, 2000. Applicant may file a reply by February 28, 2000. If no comments are filed by February 14, 2000, the approval is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20958 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, send one copy of comments to applicant's representative: Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3934.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: Academy Lines is authorized to provide local commuter bus service and other regular-route operations, principally between New York, NY, and various points in New Jersey and Pennsylvania, as well as in special or charter operations, pursuant to authority granted in Docket No. MC-106207. Asbury Park is authorized to provide local commuter bus service and other regular-route operations, principally between New York, NY, and various points in New Jersey, as well as special or charter operations, pursuant to authority granted in Docket No. MC-1002.

Academy Lines and Asbury Park are currently controlled by the Frank Tedesco Trust, Francis Tedesco and Mark Tedesco, settlers (Tedesco Trust). Applicant states that the Tedesco Trust will convey all of its shares of stock of Asbury Park to Academy Lines, and Asbury Park will

be merged into Academy Lines.<sup>1</sup> By application thereafter to be filed with the Federal Highway Administration, the operating authority held by Asbury Park is expected to be transferred to, and be integrated into the operating authority of, Academy Lines.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicant has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Specifically, applicant has shown that the merger will have a positive effect on the adequacy of transportation to the public and will result in no increase in fixed charges and no changes in employment. See 49 CFR 1182.2(a)(7). Additional information may be obtained from applicant's representative.

On the basis of the application, we find that the proposed merger is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed merger is approved and authorized, subject to the filing of opposing comments.
2. If timely opposing comments are filed, the findings made in this decision will be deemed

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<sup>1</sup> By separate application simultaneously filed in Tedesco Family ESB Trust--Acquisition of Control--Academy Bus Tours, Inc., et al., STB Docket No. MC-F-20957, Tedesco Family ESB Trust (Francis Tedesco and Mark Tedesco, settlers), seeks Board approval of its acquisition of control, from Tedesco Trust, of Academy Lines, along with Academy Bus Tours, Inc. (MC-165004), and, through Franmar Logistics, Inc., a noncarrier, of Academy Bus Tours, Inc. (PA) (MC-215354), Academy Express, Inc. (MC-228481), Commuter Bus Line, Inc. (MC-162133), and No. 22 Hillside Corp. (MC-182453).

vacated.

3. This decision will be effective on February 14, 2000, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Office of Motor Carrier Safety - HMCE-20, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590.

Decided: December 21, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams  
Secretary